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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,175	08/01/2001	James E. Kracht	CISCO-3550	7564

7590

07/08/2005

Michael A. Blake  
Sierra Patent Group  
P.O. Box 6149  
Stateline, NV 89449

EXAMINER
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PATEL, ASHOKKUMAR B

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 07/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/922,175

Applicant(s)

KRACHT, JAMES E.

Examiner

Ashok B. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 6-12, 17, 18, 23, 24 and 30-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-5, 13-16, 19-22 and 25-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-35 are subject to examination. Claim 12 has been cancelled and claims 6-11, 17, 18, 23, 24 and 30-35 have been restricted.

### ***Response to Arguments***

2. Applicant's arguments filed 05/03/2005 have been fully considered but they are not persuasive for the following reasons:

#### **Applicant's argument:**

"With respect to the independent claims 1, 13, 19 and 25 (all pending independent claims), the Examiner has failed to show where the prior art teaches, discloses or otherwise suggests the claimed limitation of verifying that a system switch processor ("SSP") has been assigned an IP address"

"Specifically, the discovery process of Cole determines whether proposed IP addresses are available for use by a router. This is not the same as determining that a system switch processor has been assigned an IP address."

#### **Examiner's response:**

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Cole teaches to assign the IP address to a router with a verification that no other device in the network segment has the IP address that is assigned to the router. (col.4, line 33-38).

This teaching provides a cure for Fee as stated in the Office Action , Claim 13.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 13-16, 19-22, and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fee et al. (US Patent 6,415,314, filed 08/06/1998, hereinafter Fee) in view of Cole et al. (US Patent 5,854,901 , issued 12/29/1998 hereinafter Cole).

5. As per claim 13, Fee teaches the communications system apparatus comprising:

an Ethernet backplane (col. 5, lines 60-65).,

at least one internal occupant operatively coupled to said backplane (col. 4, lines 51-61)., wherein said at least one internal apparatus occupant is configured to identify internal other occupants of said communications system apparatus (col. 6 line 54 - col. 7, line 24, each module builds table based on information broadcast by neighboring modules), wherein said at least one internal occupant is further configured to:

request a discovery protocol data package from a chassis module (col. 8, lines 47-55 chassis agent manages system and gathers chassis information);

determine whether said discovery protocol data package corresponds to said at least one internal occupant (col. 7, lines 1-5: discovered information includes the chassis occupied by module; and discover occupant information corresponding to said at least one internal occupant if said discovery protocol data package corresponds to said at least one internal occupant (col. 7, line 36-42: resource information requested from module after discovery and entry into slot table).

Fee fails to teach verifying that a system switch processor has been assigned an IP address.

Cole teaches verifying that a verify that a system switch processor 24 (Fig. 1) has been assigned an IP address (col. 4, lines 23-32) and managing the system via the assigned IP address (Fig. 4, block 76),

It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Fee and Cole to modify the communication system taught by Fee to include a means for verifying that the system switch processor is assigned an IP and to request data on internal occupants via the system switch processor because they both with configuring a communication system. Furthermore, the teaching of Fee assign an IP address would allow the communication system to be managed over an Internet connection (Fee, col. 2, lines 28-35) providing a method for remotely configuring the apparatus without having to manually assign a unique IP address (Fee, col. 6, lines 10-15).

6. As per claim 14, Fee teaches the communications system apparatus of Claim 13, wherein said at least one internal occupant is further configured to determine whether said at least one internal occupant is the last internal occupant in said apparatus (col. 7, lines 13-14, occupant information includes the slot number indicating physical location of occupant).

7. As per claim 15, Fee teaches the communications system apparatus of Claim 13, wherein said at least one internal occupant is further configured to determine whether said at least one internal occupant has a valid IP address, if the discovery protocol data package corresponds to said at least one internal occupant (col. 6, lines 21-25: IP address assigned to each internal occupant, col. 6, lines 60-67: data table includes the IP address of each module).

8. As per claim 16, Fee teaches the communications system apparatus of Claim 13, wherein said at least one internal occupant is further configured to populate a data table with said at least one internal occupant's information (col. 7, lines 9-12 and line 22).

9. As per claim 19, Fee teaches an apparatus for identifying internal occupants of a communications system apparatus with an Ethernet backplane 20 (Fig. 2) and at least one internal occupant (Fig. 1 ) comprising:

means for requesting a discovery protocol data package from a chassis module

(col. 8, lines 47. -55 chassis agent manages system and gathers chassis information);

means for determining whether said discovery protocol data package corresponds to

said at least one internal occupant (col. 7, lines 1-5: discovered information includes the

chassis occupied by module; and means for discovering occupant information

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corresponding to said at least one internal occupant, if said discovery protocol data package corresponds to said at least one internal occupant (col. 7, line 36-42: resource information requested from module after discovery and entry into slot table).

. Fee fails to teach a means for verifying that a system switch processor ('SSP') has been assigned an IP address',

Cole teaches verifying that a verify that a system switch processor 24 (Fig. 1) has been assigned an IP address (col. 4, lines 23-32) and managing the system via the assigned IP address (Fig. 4, block 76).,

It would have been obvious to one of ordinary skill in this art at the time the invention was made to combine the teaching of Fee and Cole to modify the communication system apparatus taught by Fee to include a means for verifying that the system switch processor is assigned an IP and to request data on internal occupants via the system switch processor because they both with configuring a communication system.

Furthermore, the teaching of Fee assign an IP address would allow the communication system to be managed over an Internet connection (Fee, col. 2, lines 28-35) providing a method for remotely configuring the apparatus without having to manually assign a unique IP address (Fee, col. 6, lines 10-15).

**10.** As per claim 20, Fee teaches the apparatus of Claim 19, further comprising the additional means for determining whether said at least one internal occupant is the last internal occupant in said apparatus (col. 7, lines 13-14, occupant information includes the slot number indicating physical location of occupant).

**11.** As per claim 21, Fee teaches the apparatus of Claim 19 further comprising the

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additional means for determining whether said at least one internal occupant has a valid IP address, if the discovery protocol data package corresponds to said at least one internal occupant (col. 6, lines 21-25: IP address assigned to each internal occupant', col. 6, lines 60-67: data table includes the IP address of each module).

**12.** As per claim 22, Fee teaches the apparatus of Claim 19 further comprising the additional means for populating a data table with said at least one internal occupant's information (col. 7, lines 9-12 and line 22).

**13.** As per claims 1-4, claims 1, 2, 3, and 4 describe the method carried out by the apparatus in claims 19, 20, 21, and 22 respectively. Claims 1-4 are rejected for the same reasons as claims 19-22 above.

**14.** As per claims 25-28, claims 25, 26, 27, and 28 describe a storage device containing computer instructions to carry out the method executed by the apparatus describe in claims 19, 20, 21, and 22 respectively. Fee teaches executing as a collection of software modules stored in the communication apparatus (col. 5, lines 50-59). Claims 25-28 are rejected for the same reasons as claim 19-22 above.

**15.** Claims 5 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fee and Cole as applied to claims 1 and 25 respectively above, and further in view of Official Notice.

**16.** As per claims 5 and 29, Fee teaches the method and program storage device of claims 1 and 25 wherein the discovering further comprises determining the type of the internal occupant (col. 7, line 1) and discovering further information from the occupant (col. 7, lines 36-42: additional information polled from device after device is discovered).



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Fee does not explicitly teach that the occupant types may be a multiservice route processor or a system processing engine, however communication chassis systems with these particular cards were well known in the art at the time the applicant made his invention. It would have been obvious at the time the applicant made his invention to detect these types of cards and to issue an error message if the internal occupants were not of these types because doing so would allow detecting an improperly configured system.

### ***Conclusion***

**Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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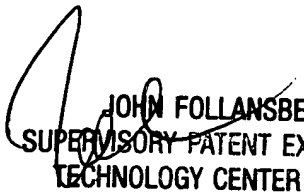
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp  
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JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100